

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION
BOARD OF DENTISTRY**

In Re:

RICHARD Y. LEE, DDS

License No.: DEN3414

Respondent

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**ORDER EXTENDING THE EFFECTIVE PERIOD OF THE
STIPULATION AND CONSENT ORDER FOR STAYED
SUSPENSION DATED FEBRUARY 26, 2014**

Jurisdiction

This matter comes before the District of Columbia Board of Dentistry (the "Board") pursuant to D.C. Official Code § 3-1201.01 ff. (2012 Repl.), otherwise known as the Health Occupations Revision Act (the "HORA"). Section 210(b) of the HORA, D.C. Official Code § 1202.10(b) (2012 Repl.), authorizes the Board to regulate the practice of dentistry in the District of Columbia.

Background

On or about February 26, 2014, the Board and the Respondent entered into a Stipulation and Consent Order for Stayed Suspension ("Consent Order"). The Consent Order was the result of Respondent's failure to comply with the terms of a Decision and Order issued against him by the Board on April 17, 2013. The Consent Order suspended Respondent's license and immediately stayed the suspension, provided that Respondent comply with the terms of the Consent Order, which included, *inter alia*, that Respondent be subject to random monitoring of

Respondent's clinical practice and sanitary and infection control management, practice, and procedures. Further, the Consent Order required Respondent to receive one-on-one monitoring and consultative services from an "Evaluator," and to arrange for the Evaluator to submit written reports to the Board on a quarterly basis throughout the Effective Period. The reports are required to include on-site observations, patient record evaluations, and any compliance recommendations made by the Evaluator.

The Consent Order was to remain effective for one (1) year following the date of the Respondent's signature.¹ However, at the conclusion of the Effective Period, the Board is authorized to renew or extend the Effective Period annually.

On or about March 10, 2015, the Board received a written report from the Evaluator. Of significance, while the Evaluator noted that several positive changes have been implemented in the Respondent's office, a number of problems remained with the respect to sufficient use of personal protective equipment, barrier protection, surface disinfection, lab and radiology protocols, and general organization. The report identified the following issues:

- The Respondent failed to update his policies and procedures to be current with OSHA's guidelines regarding bloodborne pathogen exposure prevention and other related workplace health issues since his last monitoring visit.
- The Respondent hired a new dental assistant that has no medical or dental background and failed to provide her training on OSHA standards for medical and dental offices. Further, the Respondent did not have any documentation of the on-the-job training he asserts that he has provided to her.
- The Respondent's previous dental assistant was also never trained formally. Likewise,

¹ Respondent signed and had notarized his consent to the Consent Order on February 18, 2014.

- there were no records of any informal training that she may have received.
- The Respondent still has not posted instructions for proper hand hygiene as was previously recommended by the Evaluator.
 - The Respondent did not wear proper eye and face shields during patient care procedures.
 - The Respondent failed to change gloves after placing films into a patient's mouth before touching the activator button of the X-ray unit, resulting in potential cross-contamination.
 - Several dental impressions were lying on the countertop in the laboratory area with no evidence that these had been disinfected.
 - Respondent's records do not reflect a comprehensive evaluation of the patients' oral health status with complete dentition charting, appropriate periodontal assessments, evaluation of occlusion or temporomandibular joint problems, etc.
 - Respondent makes limited use of X-rays and there is no evidence that patients are referred to specialists for further evaluations or that they return to the Respondent for more comprehensive evaluations once the immediate problem has resolved.
 - The Respondent still has not established patient medication lists which document what medications the patient is taking, the dosage levels, frequency, or indications for use.
 - The absence of treatment plans in the records reviewed.
 - The absence of patient informed consent forms in the records reviewed.

Findings

Based upon the review of the Evaluator's written report dated March 10, 2015, the Board finds that after a year of monitoring and receiving consultation services, Respondent has made

notable improvements. However, the Board finds that the Respondent still has a number of problems remaining regarding sufficient use of personal protective equipment, barrier protection, surface disinfection, lab and radiology protocols, general organization, and recordkeeping.

Therefore, the Board finds that Respondent has not demonstrated to the satisfaction of the Board that he is able to sufficiently implement and comply with all infection control and recordkeeping standards at this time.

Therefore, the Board finds good cause to extend the Effective Period of the Consent Order for an additional one (1) year, as provided by Section C of the Consent Order's Conditions of Stayed Suspension.

ORDER

Based upon the aforementioned, it is this ___ date of May, 2015, hereby

ORDERED that this Order is effective *nunc pro tunc* to February 18, 2015; and it is further

ORDERED that the Effective Period set forth in the Consent Order between the Respondent and the Board, executed February 26, 2014, shall be extended for one (1) year, and shall not terminate prior to February 18, 2016; and it is further

ORDERED that at the completion of the additional year, the Board shall review this matter to determine if the Respondent can demonstrate to the satisfaction of the Board that he is able to sufficiently implement and comply with all infection control standards at that time; and it is further

ORDERED that if, at that time, the Evaluator's written reports indicate that Respondent's practice is not fully in compliance with all infection control standards, then the following shall occur:

1) The stay of the suspension of Respondent's dentistry license shall be lifted immediately and Respondent shall be immediately SUSPENDED from practicing dentistry in the District of Columbia; and

2) Respondent shall not be eligible to petition the Board to lift the suspension until Respondent has enrolled in and successfully completed the Dentist Professional Review and Evaluation Program ("D-PREP") administered by the American Association of Dental Boards ("AADB"). The practice assessment and any recommendation resulting from D-PREP shall include OSHA workplace safety and CDC infection control standards as components thereof. Respondent shall ensure that a copy of the report from D-PREP detailing the program's assessment, recommendations, and the Respondent's successful completion of the program be delivered to the Board. Compliance with this term shall mean that Respondent has completed the assessment, completed any and all courses recommended as a result of the assessment, and has completed a retesting assessment, the results of which shall show that Respondent's clinical knowledge, skills, and understanding in the clinical areas of dentistry and infection control tested now meet at least the minimum level of the standard of care; and it is further

ORDERED that all other terms and conditions of the Consent Order entered into between the Respondent and Board, executed February 26, 2014, shall remain in full force and effect.



5-6-15
Date

Renee A. McCoy-Collins, DDS, FACD, FICD
Chairperson
District of Columbia Board of Dentistry

This Order is a public record and shall be posted on the Department of Health's website and Board newsletter, and reported to the National Practitioner Data Bank and the Healthcare Integrity Protection Data bank.